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### **REMARKS/ARGUMENTS**

Claims 8-19 and 23-29 remain in this application for examination, claims 1-8 and 20-22 having been cancelled without prejudice or disclaimer. Applicant expresses his sincere appreciation for the indication of allowable subject matter in claims 14-18, 28 and 29; however, after reviewing the cited references, Applicant is of the opinion that this invention is entitled to broader protection than that allowed thus far.

#### **Claim Rejections Under 35U.S.C. §103:**

Claims 8, 19, 23 and 24 have been finally rejected under 35 U.S.C. §103(a) as being unpatentable over Roberts et al. '312. Applicant respectfully traverses this rejection.

Considering first independent claims 8 and 23, it is respectfully submitted that both of these independent claims are patentable over Roberts et al. '312. Claim 8 recites the following structure neither taught or suggested by Roberts et al. '312:

a first array of LEDs which emit red light to provide both a tail light  
and a brake light;  
a second array of LEDs which emit amber or red light to provide a turn  
signal.

Claim 23 recites the following structure neither taught nor suggested by Roberts et al. '312:

a pair of rear lamps disposed on opposite sides of the automotive vehicle,  
each rear lamp having first and second arrays of LEDs, the first array of LEDs  
emitting red light to provide both a tail light and a brake light and the second  
array of LEDs emitting amber or red light to provide a turn signal.

It is respectfully submitted that Roberts et al. '312 does not disclose first and second arrays of LEDs either in its specification or drawings. Rather, Roberts et al. '312 merely makes the following broad statement in paragraph [0007]:

Amber, red and red-orange emitting visible LEDs are used in arrays of up to  
100 components in visual signaling systems such as vehicle center high

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maintenance stop lamps [CHMSLs], brake lamps, exterior turn signals and hazard flashes, ...

The Examiner states "it is understood, that any desired colors of LEDs may be used in any desired arrangement." This conclusory concept does not render Applicant's claimed configuration for a rear lamp assembly or an automotive vehicle obvious. It is respectfully submitted that a host of LEDs of any desired colors can be used in a host of arrangements wherein many of these arrangements have no utility whatsoever under 35 U.S.C. §101, but Applicant has taken structures and arranged them in a useful rear lamp assembly device, the structure of which is neither taught nor suggested by Roberts et al. '312.

There is no teaching in Roberts, et. al. of two different types of LED signals in one rear lighting assembly as claimed in Applicant's claims 8 and 23, in which Applicant recites that the first and second arrays are mounted in a bezel contained within a housing mounting the bezel and covered by a lens positioned over the bezel and the arrays of LEDs. This claimed structure is neither taught nor suggested by paragraph [0007] of Roberts et al. '312. Roberts et al. only states that LEDs may be used as components for vehicle signaling systems without suggesting a particular structural arrangement. Thus, Applicant's vehicle assembly system clearly distinguishes over paragraph [0007] of Roberts et al. '312.

That Roberts et al. '312 discloses a bezel 2601 with a dark surface for absorbing light does not teach the aforecited limitations of claims 8 and 23. Moreover, that Roberts et al. '312 discloses lenses (plural) 2631 and a housing does not teach "a lens positioned over the bezel and arrays of LEDs as recited in claim 8 and "lenses positioned of each bezel and array of LEDs in each rear lamp" (emphasis supplied) as recited in claim 23. In Roberts et al. '312 each LED has a separate lens instead of a lens covering an array of LED as in the case in Applicant's claimed invention.

That the structure claimed in claims 8 and 23 is not obvious in view of Roberts et al. '312 is evidenced by paragraph [0084] which discusses Fig. 8 of Roberts et al. Fig. 8 is a specific example of the lighting arrangements of Figs. 1-3b of Roberts et al. in which a vehicle headlamp 2600, not a vehicle tail lamp, is constructed in accordance with the teachings of Roberts et al. The head lamp 2600 of Roberts et al. is not disclosed as having a first array of LEDs and a second array of LEDs,

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wherein the first array provides both a tail light and a brake light and the second array provides a turn signal. Rather, Fig. 8 of Roberts et al. shows a vehicle headlamp 2600 that includes neither a first array of LEDs, which emit red light to provide both a taillight and a braking light, nor a second array of LEDs, which emit amber or red light to provide a turn signal. Fig. 8 of Roberts, et al. neither teaches nor suggests a tail light, brake light and turn signal surrounded by a bezel, which bezel is mounted in a housing with a lens positioned over the bezel and over arrays of LEDs. The headlamp of Fig. 8 includes "radiation emitters 2603 and 2605" (which correspond to Applicant's claimed LEDs) in a single array, which emit light of the same color for headlamps. In the illustration of Fig. 8, the headlamp also has individual micro lenses 2631 for each pair of emitters, rather than a single lens which is positioned over the bezel and over arrays of LEDs. Clearly, the rear lamp assembly claimed in applicants claim 8 is novel over any structure or combination of structures taught by Roberts et al. '312.

Moreover, it is respectfully submitted that Roberts et al. '312 does not establish a *prima facie* case of obviousness under 35 U.S.C. §103(a). Roberts et al. '312 include statements, such as that of paragraph [0007], in an attempt to establish the breadth of their contribution by reciting different types of lamps and different colors of lamps containing arrays of LEDs, such as CHMSLs, brake lamps, exterior turn signals and hazard flashers which utilize amber, red, and red-orange emitting visible LEDs. Yet, in Roberts, et al. '312, there is no disclosure of Applicant's claimed structure i.e., "a rear lamp assembly" (claim 8) or "an arrangement of rear signal lamps" (claim 23). The only motivation or suggestion to form the schematic illustrations of Figs. 1-7 of Roberts et al. into an automotive rear lamp or rear lamp assembly is provided by Applicant's disclosure and claims. In Roberts, et. al. the only assembly for an automotive lamp is the headlamp of Fig. 8, which as previously explained, is a substantially different structure from Applicant's claimed rear lamp assembly.

The Office Action asserts that Applicant's claimed invention is a matter of "design choice" because the desired colors of the LEDs do not change the functionality of the device and are used for aesthetic appearance only. It is respectfully submitted that this is clearly not the case because a rear lamp assembly has specific colors in order to specifically function as a rear lamp assembly. A rear lamp assembly which emitted white light would indicate to occupants of following vehicles that they

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were looking at the front of a vehicle traveling towards them, rather than the rear of a vehicle traveling in the same direction. Clearly, this is not the use of colors for aesthetic appearance only.

Dependent claims 19 and 24 which disclose a third array of LEDs have also been finally rejected under 35 U.S.C. §103(a) as obvious in view of Roberts et al. '312. Applicant respectfully submits that claim 19 and 24 include all of the limitations of claims 8 and 23 and are therefore patentable for the same reasons as claims 8 and 23. Note in the rejection of claims 19 and 24 that the Office Action refers to Fig. 8 of Roberts, et al. which is a headlamp rather than a rear lamp. This rejection is merely further evidence of distinctions between Applicant's claimed invention and Roberts et al. '312.

Claims 9-13 and 25 have been rejected under 35 U.S.C. §103(a) as unpatentable over Roberts et al. '312 in view of Gordon '733. Applicant respectfully traverses this rejection.

Claims 9-13 and claim 25 are of course patentable for the same reasons as independent claims 8 and 23 because Gordon '733 does not cure the deficiencies of Roberts et al. '312 as a reference against Applicant's independent claims 8 and 23. Moreover, as previously explained, Roberts et al. '312 disclose neither the rear lamp assembly as recited in claims 9-13, nor an arrangement of rear signal lamps as recited in claim 23. Gordon '733 discloses a vehicle wheel lighting system in which reflective bodies replace wheel spokes. It is again respectfully submitted that a wheel is not a rear lamp. The only suggestion that passive reflectors can be combined with the rear lamp assembly or arrangement as claimed in claims 9 and 25, is Applicant's own disclosure. While wheels are mounted on automotive vehicles, wheel reflectors do not correspond reflectors for rear lamp structures for automotive vehicles. This is because wheels and rear lamps have an entirely different purpose and structure. In that the wheel art is clearly non-analogous, a *prima facie* case of obviousness can not be established by the combination. Accordingly, it is respectfully requested that this rejection of Roberts et al. '312 in view of Gordon '733 be withdrawn.

Claims 26 and 27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Roberts et al. '312 in view of Terao '972. Applicant respectfully traverses this rejection.

In that Terao '972 does not cure the deficiencies of Roberts et al. '312 as a reference against Applicant's claimed invention, claims 26 and 27 are patentable over Roberts et al. for the same reasons as claim 23. Fig 8 of Roberts et al. is directed to a head lamp rather than to the claimed

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arrangement of rear signal lamps while Terao is directed to a conventional arrangement of incandescent lamps rather than the claimed arrays of LEDs. Applicant respectfully submits that the combination of Roberts et al. with Terao does not establish a *prima facie* case of obviousness. First, Terao '972 must cure the deficiencies of Roberts, which Terao does not do since Terao neither teaches nor suggests the use of LEDs. Second, Terao '972 must at least suggest mounting sidewardly facing LED's in a rear signal lamp, but Terao '972 is directed to a head lamp, not Applicant's claimed rear signal lamp arrangement.

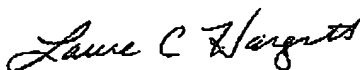
The combination of Roberts et al. '312 and Terao '972 is clearly a combination of existing elements from disparate arts. Patentable inventions are typically new combinations of existing principles or features. See, *Environmental, see Designs, Ltd. vs. The Union Oil Company*, 713 Fed 2nd 693, 698, (Fed Cir. 1983) which noted that "virtually all inventions are combinations of existing elements." Clearly, in this case Applicant has combined reflectors with LEDs in a new way to achieve a new result that renders the inventions of claims 9-13 and 25 patentable.

It is submitted that one skilled in the art would only combine the teachings of Terao and Roberts et al. using Applicant's claims as a template since the references are clearly directed to structures which are different in configuration and function. Accordingly, it is respectfully requested that the rejection of claims 26 and 27 under 35 USC § 103(a) be withdrawn.

While Applicant sincerely appreciates the allowance of claims 14-18, 28 and 29, it is respectfully submitted that claims 8-13, 19 and 23-27 for the above reasons are also allowable.

In that this is a full and complete response to the Final Rejection of November 9, 2005, it is respectfully requested that this application be allowed and passed to issue. If the Examiner for any reason feels a personal conference with Applicant's attorneys might expedite prosecution of this application, the Examiner is respectfully requested to telephone the undersigned.

Respectfully submitted,



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